

1955—Act Aug. 9, 1955, §1, amended credit to section by designating act Mar. 10, 1950, as “title I”.

Subsecs. (a), (b), (e) to (h) and (j). Act Aug. 9, 1955, §2, substituted “subchapter” for “chapter”.

Statutory Notes and Related Subsidiaries

REFERENCES TO THIS SUBCHAPTER DEEMED TO INCLUDE SECTION 119 OF H.R. 2076

References to this subchapter deemed to include section 119 of H.R. 2076, see section 119(b) of H.R. 2076, as enacted into law by Pub. L. 104-91, set out as an Authority of Foreign Claims Settlement Commission note under section 1644 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-451, §2, Oct. 8, 1986, 100 Stat. 1139, provided that: “The amendments made by this Act [amending this section] shall apply to any claim pending on the date of the enactment of this Act [Oct. 8, 1986] and to any other claim determined after such date.”

PROTESTS RELATING TO AWARDS BY COMMISSION; NOTICE BY PUBLICATION IN FEDERAL REGISTER

Act Mar. 10, 1950, ch. 54, title VI, §615, as added Pub. L. 94-542, Oct. 18, 1976, 90 Stat. 2512, provided that: “Notwithstanding the provision of sections 210 and 211 of the War Claims Act of 1948 (Act of July 3, 1948), as amended by Public Law 87-846 [50 U.S.C. 4140, 4141], the Foreign Claims Settlement Commission established by Reorganization Plan No. 1 of 1954 (68 Stat. 1279) [set out under section 1622 of this title] is authorized and directed to receive and consider protests relating to awards made by the Commission during the ten calendar days immediately preceding the expiration of the Commission’s mandate to make such awards on May 17, 1967. Any such protests must be filed within ninety days after notice of the enactment of this provision is filed with and published in the Federal Register, which shall take place within thirty days of enactment [Oct. 18, 1976]. Such protests may include the submission of new evidence not previously before the Commission, and shall be acted upon within thirty days after receipt by the Commission. The Commission may modify awards made during the subject period in accordance with the procedures established by the War Claims Act of 1948 [50 U.S.C. 4101 et seq.], and any increases in awards determined to be appropriated by the Commission shall be certified to and paid by the Secretary of the Treasury out of funds which are now or may hereafter become available in the War Claims Fund in accordance with section 213 of the Act [50 U.S.C. 4143].”

Executive Documents

ABOLITION OF INTERNATIONAL CLAIMS COMMISSION AND TRANSFER OF FUNCTIONS

International Claims Commission of the United States, including offices of its members, abolished and functions of Commission and of members, officers, and employees thereof transferred to Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §§1, 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out as a note under section 1622 of this title.

For provisions transferring the Foreign Claims Settlement Commission of the United States as a separate agency within the Department of Justice, see section 1622a et seq. of this title.

§ 1624. Certification of awards; certification of claims

The Commission shall, as soon as possible, and in the order of the making of such awards, certify to the Secretary of the Treasury and to the Secretary of State copies of the awards made in favor of the Government of the United States or

of nationals of the United States under this subchapter. The Commission shall certify to the Secretary of State, upon his request, copies of the formal submissions of claims filed pursuant to subsection (b) of section 1623 of this title for transmission to the foreign government concerned.

(Mar. 10, 1950, ch. 54, title I, §5, 64 Stat. 16; Aug. 9, 1955, ch. 645, §§1, 2, 69 Stat. 562.)

Editorial Notes

AMENDMENTS

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§ 1625. Omitted

Editorial Notes

CODIFICATION

Section, acts Mar. 10, 1950, ch. 54, title I, §6, 64 Stat. 16; Aug. 8, 1953, ch. 396, §1, 67 Stat. 506, provided that Commission complete its affairs in connection with settlement of all United States-Yugoslavian Claims arising under Yugoslav Claims Agreement of 1948, by December 31, 1954.

§ 1626. Payments

(a) Principal and interest; regulations

Subject to the limitations hereinafter provided, the Secretary of the Treasury is authorized and directed to pay, as prescribed by section 1627 of this title, an amount not exceeding the principal of each award, plus accrued interest on such awards as bear interest, certified pursuant to section 1624 of this title, in accordance with the award. Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

(b) Deductions; coverage into Treasury; reimbursement for expenses

(1) There shall be deducted from the amount of each payment made pursuant to subsection (c)

of section 1627 of this title, as reimbursement for the expenses incurred by the United States, an amount equal to 5 per centum of such payment. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(2) The Secretary of the Treasury shall deduct from any amounts covered, subsequent to July 24, 1968, into any special fund, created pursuant to section 1627 of this title, 5 per centum thereof as reimbursement to the Government of the United States for expenses incurred by the Commission and by the Treasury Department in the administration of this subchapter. The amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(c) To whom made; exceptions

Payments made pursuant to this subchapter shall be made only to the person or persons on behalf of whom the award is made, except that—

(1) if any person to whom any payment is to be made pursuant to this subchapter is deceased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over \$1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates;

(2) in the case of a partnership or corporation, the existence of which has been terminated and on behalf of which an award is made, payment shall be made, except as provided in paragraphs (3) and (4) of this subsection, to the person or persons found by the Secretary of the Treasury to be entitled thereto;

(3) if a receiver or trustee for any such partnership or corporation has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment shall be made to such receiver or trustee in accordance with the order of the court;

(4) if a receiver or trustee for any such partnership or corporation, duly appointed by a court of competent jurisdiction in the United States, makes an assignment of the claim, or any part thereof, with respect to which an award is made, or makes an assignment of such award, or any part thereof, payment shall be made to the assignee, as his interest may appear; and

(5) in the case of any assignment of an award, or any part thereof, which is made in writing and duly acknowledged and filed, after such award is certified to the Secretary of the Treasury, payment may, in the discretion of the Secretary of the Treasury, be made to the assignee, as his interest may appear.

(d) Erroneous payments as bar to further recovery

Whenever the Secretary of the Treasury shall find that any person is entitled to any such payment, after such payment shall have been received by such person, it shall be an absolute bar to recovery by any other person against the

United States, its officers, agents, or employees with respect to such payment.

(e) Acquiescence in conditions of subchapter

Any person who makes application for any such payment shall be held to have consented to all the provisions of this subchapter.

(f) Non-assumption of liability by United States on claims against foreign governments

Nothing in this subchapter shall be construed as the assumption of any liability by the United States for the payment or satisfaction, in whole or in part, of any claim on behalf of any national of the United States against any foreign government.

(Mar. 10, 1950, ch. 54, title I, § 7, 64 Stat. 16; Aug. 8, 1953, ch. 396, § 2, 67 Stat. 506; Aug. 9, 1955, ch. 645, §§ 1, 2, 69 Stat. 562; Pub. L. 90-421, § 1(2), (3), July 24, 1968, 82 Stat. 420; Pub. L. 104-316, title II, § 202(h), Oct. 19, 1996, 110 Stat. 3842.)

Editorial Notes

AMENDMENTS

1996—Subsec. (c)(1), (2). Pub. L. 104-316, § 202(h)(1), substituted “Secretary of the Treasury” for “Comptroller General” in par. (1) and “Secretary of the Treasury” for “Comptroller General of the United States” in par. (2).

Subsec. (d). Pub. L. 104-316, § 202(h)(2), struck out “, or the Comptroller General of the United States, as the case may be,” after “Secretary of the Treasury”.

1968—Subsec. (b). Pub. L. 90-421, § 1(2), designated existing provisions as par. (1) and added par. (2).

Subsec. (c)(1). Pub. L. 90-421, § 1(3), substituted “any person to whom any payment is to be made pursuant to this subchapter” for “such person” and “, except that if any payment to be made is not over \$1000” for “; *Provided*, That if the total award is not over \$500”, and struck out “of the United States” after “Comptroller General”.

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Act Aug. 9, 1955, § 2, substituted “subchapter” for “chapter”.

1953—Subsec. (b). Act Aug. 8, 1953, increased the amount deductible to cover expenses from 3 to 5 per cent.

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For provisions transferring Foreign Claims Settlement Commission of the United States as a separate agency within the Department of Justice, see section 1622a et seq. of this title.

§ 1627. Creation of special funds in Treasury**(a) Credits to, and payment from funds**

There are created in the Treasury of the United States (1) a special fund to be known as the Yugoslav Claims Fund; and (2) such other special funds as may, in the discretion of the Secretary of the Treasury, be required, each to be a claims fund to be known by the name of the foreign government which has entered into a settlement agreement with the Government of the United States as described in subsection (a) of section 1623 of this title. There shall be covered into the Treasury to the credit of the proper special fund all funds hereinafter specified. All payments authorized under section 1626 of this title shall be disbursed from the proper fund, as the case may be, and all amounts covered into the Treasury to the credit of the aforesaid funds are permanently appropriated for the making of the payments authorized by section 1626 of this title.

(b) Credits to Yugoslav Claims Fund; credits to other funds

The Secretary of the Treasury is authorized and directed to cover into—

(1) the Yugoslav Claims Fund the sum of \$17,000,000 being the amount paid by the Government of the Federal People's Republic of Yugoslavia pursuant to the Yugoslav Claims Agreement of 1948;

(2) a special fund created for that purpose pursuant to subsection (a) of this section any amounts hereafter paid, in United States dollars, by a foreign government which has entered into a claims settlement agreement with the Government of the United States as described in subsection (a) of section 1623 of this title.

(c) Payment of awards

The Secretary of the Treasury is authorized and directed out of the sums covered, prior to July 24, 1968, into any of the funds pursuant to subsection (b) of this section, and after making the deduction provided for in section 1626(b)(1) of this title—

(1) to make payments in full of the principal of awards of \$1,000 or less, certified pursuant to section 1624 of this title;

(2) to make payments of \$1,000 on the principal of each award of more than \$1,000 in principal amount, certified pursuant to section 1624 of this title;

(3) to make additional payment of not to exceed 25 per centum of the unpaid principal of awards in the principal amount of more than \$1,000;

(4) after completing the payments prescribed by paragraphs (2) and (3) of this subsection, to make payments, from time to time in ratable proportions, on account of the unpaid principal of all awards in the principal amount of more than \$1,000, according to the proportions which the unpaid principal of such awards bear to the total amount in the fund available for distribution at the time such payments are made; and

(5) after payment has been made of the principal amounts of all such awards, to make pro rata payments on account of accrued interest on such awards as bear interest.

(d) Payment of balance to Yugoslav Government; certification of adjudication costs; finality of certification

The Secretary of the Treasury, upon the concurrence of the Secretary of State, is authorized and directed, out of the sum covered into the Yugoslav Claims Fund pursuant to subsection (b) of this section, after completing the payments of such funds pursuant to subsection (c) of this section, to make payment of the balance of any sum remaining in such fund to the Government of the Federal People's Republic of Yugoslavia to the extent required under article 1(c) of the Yugoslav Claims Agreement of 1948. The Secretary of State shall certify to the Secretary of the Treasury the total cost of adjudication, not borne by the claimants, attributable to the Yugoslav Claims Agreement of 1948. Such certification shall be final and conclusive and shall not be subject to review by any other official, or department, agency, or establishment of the United States.

(e) Payments; priorities

Except as provided in subsection (f), the Secretary of the Treasury is authorized and directed out of sums covered, subsequent to July 24, 1968, into any special fund created pursuant to this section to make payment on account of awards certified by the Commission pursuant to this subchapter with respect to claims included within the terms of a claims settlement agreement concluded between the Government of the United States and a foreign government as described in section 1623(a) of this title, as follows and in the following order of priority:

(1) Payment in the amount of \$1,000 or the principal amount of the award, whichever is less;

(2) Thereafter, payments from time to time on account of the unpaid principal balance of each remaining award which shall bear to such unpaid principal balance the same proportion as the total amount available for distribution at the time such payments are made bears to the aggregate unpaid principal balance of all such awards; and

(3) Thereafter, payments from time to time on account of the unpaid balance of each award of interest which shall bear to such unpaid balance of interest, the same proportion as the total amount available for distribution at the time such payments are made bears to the aggregate unpaid balance of interest of all such awards.

(f) People's Republic of China; claim payment priorities

(1) Out of sums covered after May 11, 1979, into the special fund created pursuant to this section to receive funds paid by the People's Republic of China, the Secretary of the Treasury is authorized and directed to make payments on account of awards certified by the Commission pursuant to subchapter V with respect to claims included within the terms of the Agreement Between the Government of the United States of America and the Government of the People's Republic of China Concerning the Settlement of Claims, signed on May 11, 1979, in the following order of priority: